

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Alabama

United States of America

v.

Stephen Parks Lewis

Case No.

17-233

2017 NOV 16 P 3:35

U.S. DISTRICT COURT
N.D. OF ALABAMA*Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 8/8/2017 through 10/16/2017 in the county of Jefferson in the
Northern District of Alabama, the defendant(s) violated:*Code Section*

18 U.S.C. § 2261A(2)

Offense Description

Cyberstalking

This criminal complaint is based on these facts:

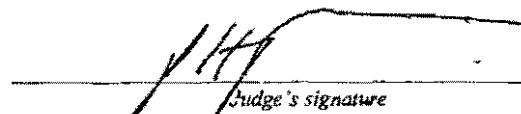
See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Special Agent Joshua D. Schwambach

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/16/2017City and state: Birmingham, Alabama*Judge's signature*

John H. England, III United States Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

STEPHEN PARKS LEWIS

)

)

)

)

)

Mag. No. 17-233

UNDER SEAL

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Joshua D. Schwambach, being first duly sworn, state that the following is true to the best of my knowledge and belief:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), assigned to the Birmingham Division. I have been a Special Agent since June 2017. I am currently assigned to the Squad 3 of the Birmingham Division of the Federal Bureau of Investigation. My duties include investigations of criminal enterprises, including drug trafficking offenses, as well as violent crimes investigations such as bank robbery, kidnapping and carjacking investigations. Prior to my employment as a Special Agent with the Federal Bureau of Investigation, I was employed as a Law Enforcement Officer in the State of Indiana for approximately eight years.

2. I make this affidavit in support of an application under Rules 3 and 4 of the Federal Rules of Criminal Procedure for a warrant authorizing the arrest of Stephen

Parks Lewis. As a Federal law enforcement officer, I am authorized to execute arrest warrants under Rule 4(c)(1) of the Federal Rules of Criminal Procedure.

3. I seek this warrant because, as explained below, there is probable cause to believe that an offense has been committed and that Stephen Parks Lewis committed it. *See* Fed. R. Crim. P. 4(a).

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

APPLICABLE LAW

5. This investigation concerns alleged violations of 18 U.S.C. § 2261A(2), relating to cyberstalking.

6. Title 18, United States Code, Section 2261A(2) makes it a Federal crime to harass or intimidate someone using various means of interstate communication, including a telephone or the Internet. The elements of a violation of 18 U.S.C. § 2261A(2) are as follows:

- a. The defendant acted with the intent to harass or intimidate another person; and
- b. The defendant used the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign

commerce to engage in a course of conduct that:

- i. Placed that person in reasonable fear of the death of or serious bodily injury to that person, an immediate family member of that person, or their spouse or intimate partner; or
- ii. Caused, attempted to cause, or would be reasonably expected to cause substantial emotional distress to that person, an immediate family member of that person, or their spouse or intimate partner.

PROBABLE CAUSE SHOWING

7. On October 10, 2017, M[REDACTED] M[REDACTED] contacted the FBI regarding a threatening communication M[REDACTED] received from Stephen Parks Lewis ("LEWIS"). M[REDACTED] described threats made to her, C[REDACTED] T[REDACTED] and M[REDACTED] T[REDACTED]. M[REDACTED] and C[REDACTED] T[REDACTED] are a couple. M[REDACTED] T[REDACTED] is the sister of C[REDACTED] T[REDACTED]. When M[REDACTED] contacted the FBI, she communicated that she had access to digital copies of some of the threats made by LEWIS.

8. On October 12, 2017, Special Agent Tiffany A. Baker and Special Agent George E. Graves interviewed M[REDACTED] T[REDACTED]. M[REDACTED] T[REDACTED] advised the agents that she and LEWIS dated for approximately five years, and broke up two years ago. T[REDACTED] stated that LEWIS resides at [REDACTED] Mountain Brook, Alabama, 35223. M[REDACTED] T[REDACTED] provided an email address of [REDACTED]@gmail.com for LEWIS, which M[REDACTED] T[REDACTED] identified as the same e-mail address used by LEWIS during the time period when the two dated. M[REDACTED] T[REDACTED] also provided agents with

telephone number [REDACTED] which she identified as LEWIS' telephone number. During the course of their relationship, LEWIS drank excessive amounts of alcohol and became abusive towards M[REDACTED] T[REDACTED]. M[REDACTED] T[REDACTED] broke up with LEWIS because he made threats to kill her, kill her friends, and posted nude photographs of her on his Facebook account.

9. Despite breaking up with LEWIS and moving away from Alabama, M[REDACTED] T[REDACTED] has continued to be threatened and harassed by LEWIS.

10. On October 6, 2017, at approximately 9:05 p.m., M[REDACTED] T[REDACTED] received an e-mail message from LEWIS' e-mail address [REDACTED]@gmail.com. The e-mail contained a photograph of the Mandalay Bay Casino in Las Vegas, where a mass shooting had occurred on October 1, 2017. M[REDACTED] T[REDACTED] showed agents the email on her laptop computer, which contained the Mandalay Bay Casino image and a caption left by LEWIS: "this is what your (*sic*) doing to me."

11. On October 7, 2017, at approximately 9:20 p.m., M[REDACTED] T[REDACTED] received another e-mail message from LEWIS' e-mail address [REDACTED]@gmail.com. The e-mail was provided to agents. It read: "Are you serious? You arent going to change your number and get rid of me. Im coming for you now especially. Get fucking real. Your life is over. Im going to snuff you out for doing this to me."

12. M[REDACTED] T[REDACTED] stated that due to LEWIS' threats and harassment, she has had to take a leave of absence from work, has sought counseling, and has been diagnosed

with post-traumatic stress disorder.

13. On October 23, 2017, your affiant interviewed M[REDACTED] M[REDACTED]. M[REDACTED] reported that she had received threatening communications from an individual using Facebook account, "BigSchteve." M[REDACTED] believed the "BigSchteve" Facebook account belonged to LEWIS. On August 8, 2017, at approximately 12:41 a.m., "BigSchteve" sent a series of messages to M[REDACTED]. M[REDACTED] found the following messages to be the most threatening:

- "The more you lie and hide her and protect her. The more you entrench yourself in a person who makes his career off finding and developing a win";
- "If you want to continue this deception then like ARYA STARK, I will add you to the list. Start talking. Or your whole family is next";
- "I have you phone number. I have your address. I know where you live. I swear to Jesus fucking Christ. Not a person I even believe in. WHERE IS MY FUCKING GIRLFRIEND?!?!";
- "You tell me where she is. You tell me what's going on. Or I'm coming with a desert eagle .45"; and
- "I'm done being mr nice guy."

After the message referring to a "desert eagle .45," "BigSchteve" sent a graphic containing the image of a silver/black semi-automatic handgun. M[REDACTED] understood the message containing "Arya Stark" to be a reference to a character in

the television series "Game of Thrones." In the television show, the character, Arya Stark, maintains a mental list of people she intends to kill.

14. On August 8, 2017, at approximately 6:25 a.m., "BigSchteve" sent the following message to M [REDACTED] using Facebook: "I'm about to go on a full on destruction of T [REDACTED] family if I don't get a goddamn answer. And there will be you. You alone could have stopped this."

15. On October 7, 2017, at approximately 7:59 p.m., the following text messages were sent to M [REDACTED] from telephone number [REDACTED], which M [REDACTED] T [REDACTED] identified as LEWIS' phone number:

- "Lol she thinks she can change her number and im gone? This is about to get real. I know you have her new number. Ill be needing that or else you all are going to see some scorched earth policy.";
- "Tomorrow is going to be a world of hurt. Yall can report me to whoever you want. Ill get you all before I die."; and
- "You thought las vegas was bad wait till you see what I do to yall. ISIS wont have shit on me when im done with every one of you for what you've done to me."

16. On October 7, 2017, at approximately 10:04 p.m., M [REDACTED] received additional text messages from [REDACTED] which M [REDACTED] T [REDACTED] identified as LEWIS' phone number:

- "Look at you crybaby bitch";
- "Snitchin to your gay small dick man"; and

- “Let it be known I am going to put barb wire around your daughters neck while you cry.”

M[REDACTED] understood the message which referred to Las Vegas to be a reference to the mass shooting that left 58 people dead and over 500 injured on October 1, 2017. M[REDACTED] understood the message containing ISIS to be a reference to the terrorist organization of the same name. M[REDACTED] understood the message containing, “your daughter” to be a death threat against her juvenile child. M[REDACTED] believed the message to constitute a threat to torture her juvenile daughter with barb wire before killing the child in front of M[REDACTED]

17. On October 16, 2017, M[REDACTED] became aware of another message posted on Facebook by “BigSchteve.” M[REDACTED] learned of the message because she was “tagged” on the message. The message read:

- “A war is on the horizon. I am not afraid. You want to know why? Because I own them. But the fact of the matter is, whenever you look into my eyes, you know that you’re looking at someone that’s going to go ALL the way. So they’d rather stand behind me than across from me.”

The message contained an image that M[REDACTED] believed was a picture of LEWIS, wearing a black hat and brown bandanna.

18. M[REDACTED] provided the agent with a copy of the Facebook messages sent by “BigSchteve” and the text messages from telephone number [REDACTED] to M[REDACTED]. M[REDACTED] placed the date and her initials next to the Facebook messages

sent by "BigSchteve" and the text messages from telephone number [REDACTED]

19. On October 23, 2017, your affiant interviewed C [REDACTED] T [REDACTED] who said he had been in contact with cellular telephone number [REDACTED] which M [REDACTED] T [REDACTED] identified as LEWIS' phone number. On October 7, 2017, at approximately 9:58 p.m. C [REDACTED] T [REDACTED] received the following message from that telephone number:

- "Hahaha";
- "Ill spend my whole life in jail as long as I eliminate every last one of you";
- "So get ready faggot";
- "I will cut your throat and jizz in your mouth";
- "Ill be outside m [REDACTED] house for a week before I drain her";
- "I will cut every last tribal tat off of you";
- "Write this down. Report me like a snitch."; and
- "I wont be stopped faggot. I am god."

20. C [REDACTED] T [REDACTED] also said LEWIS had a public Facebook account. M [REDACTED] T [REDACTED] informed C [REDACTED] T [REDACTED] that LEWIS threatened violence against law enforcement officers on his Facebook page. On September 14, 2017, at approximately 11:32 p.m, "BigSchteve" posted these messages on Facebook:

- “now I’m screaming thug life fuck the po po, shooting birds out the window whenever the cops go by, they putting road blocks in front of my house, starting to feel like I live under the Taliban, cant drive home without a gun in my face, Thursday through Sunday their invading my space tellin me its for my sake their keeping the streets safe be gettin the drunks off of the highway, but I say man thats a big fuckin lie, its all about the money from the DUI’s otherwise they would be parked out in front of this bar, giving free breathalisers before we get in our cars...instead they just hide about three miles away...sit and wait for one of us to make a mistake....drink a little to much you’ll be cuffed and stuffed and prolyl ruffed up if you complain enough you’ll be carted off to jail in the land of the free another victim of the overzealous MBPD. Every cop who thinks his badge is a crown this songs for you and ill never bow down cause im mad as hell singing fuck the po po...im not gonna let this go. Every day of my life I will spend making sure blue lives don’t survive. If you or your family are or support PIGS I will make sure you suffer just like they have done to me.”
- “So just to clarify and let it be VERY clear, IF YOU OR ANYONE YOU KNOW ARE RELATED TO ARE COPS I HOPE YOU DIE. And I will do everything in my power to help you die. You are scum. You don’t protect. You don’t serve. You make people suffer, you pieces of dog shit. The only thing ‘police’ do is ruin lives. Fuck you. If I see you I will not only spit on you. I will spit on your kids and your family. You deserve nothing but the worst.”

C [REDACTED] T [REDACTED] provided the agent with a copy of text message

conversations between himself and LEWIS, and a copy of the Facebook posts made by “BigSchteve.” He also placed his initials next to the text messages.

21. The Facebook Account sending the above messages is listed as “BigSchteve” with the user name of, “Stephen Lewis.” On October 19, 2017, your affiant conducted open source searches for a Facebook account registered to

“BigSchteve” in Birmingham, Alabama. Your affiant located an account with a profile picture matching the driver’s license photo of LEWIS.

22. On October 19, 2017, your affiant conducted a search of public records using Accurint, for “Stephen Parks Lewis.” Records checks indicate that LEWIS has an Alabama Driver’s License. LEWIS’ Alabama Driver’s License lists his address as [REDACTED] Mountain Brook, Alabama. Also on October 19, 2017, your affiant conducted a search of public records, for [REDACTED] Mountain Brook, Alabama. Public records indicated that LEWIS, with the same personal identifiers as identified on LEWIS’ Alabama drivers’ license, has lived at the subject address from May 2005 through October 2017.

23. On October 27, 2017, your affiant conducted surveillance in the vicinity of [REDACTED] Mountain Brook, Alabama. While conducting surveillance, a black Mitsubishi, bearing Alabama license [REDACTED] was observed in the driveway of the residence. A subsequent check revealed the vehicle was registered to “Stephen Lewis” at [REDACTED] Mountain Brook, Alabama.

24. On October 31, 2017, a utility check of the subject address was conducted. Alabama Power records revealed that utilities for the address have been registered to Grace Gaines since 1992. M [REDACTED] T [REDACTED] identified Gaines to be LEWIS’ mother.

25. Telephone number [REDACTED] is registered to AT&T. On October 20, 2017, your affiant served a federal grand jury subpoena on AT&T for records

associated with [REDACTED] AT&T provided records responsive to the federal grand jury subpoena on November 1, 2017. A review of the records furnished by AT&T identified the registered subscriber of the telephone to be "Stephen Lewis," at [REDACTED] Mountain Brook, Alabama 35223.

26. AT&T billing records for telephone number [REDACTED] identified that a credit card in the name of "Stephen Lewis" made account payments in the amount of \$35 on July 30, 2017, August 30, 2017, and September 29, 2017.

27. Records provided by AT&T for telephone number [REDACTED] identify a series of six text messages sent from LEWIS to M [REDACTED] on October 7, 2017, at approximately 7:59 p.m. AT&T records show a series of six text messages sent from LEWIS to M [REDACTED] on October 7, 2017, at approximately 10:04 p.m. CDT.

28. Records provided by AT&T for telephone number [REDACTED] identify a series of text messages sent from LEWIS to C [REDACTED] T [REDACTED] on October 7, 2017, at approximately 7:59 p.m.

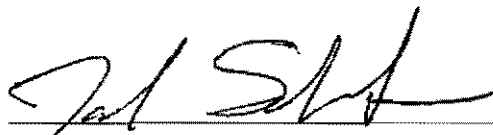
CONCLUSION

29. Based on the foregoing, I have probable cause to believe that Stephen Parks Lewis has committed the offense of cyberstalking in violation of Title 18, United States Code, Section 2261A(2) as charged in the accompanying criminal complaint.

REQUEST FOR SEALING

30. Your affiant further requests that the Court order that all papers in support of this complaint, including the affidavit and the complaint, as well as any arrest

warrant that may be issued therefrom, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to the target of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation and officer safety.



Special Agent Joshua D. Schwambach
Federal Bureau of Investigation

Sworn to me this 6th day of November 2017.



JOHN H. ENGLAND, III
United States Magistrate Judge
Northern District of Alabama